

ATTORNEY DOCKET NO.
068508.0102

PATENT APPLICATION
09/822,097

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
WU, GUANGDIAN GORDON	§	Group Art Unit: 2157
	§	
Serial No.: 09/822,097	§	Examiner: RAMY M. OSMAN
	§	
Filed: March 30, 2001	§	Atty. Docket: 068508.0102
	§	
Title: "METHOD AND APPARATUS FOR	§	
INDIVIDUAL-CENTRIC USE OF	§	
THE INTERNET"	§	

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre- Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicant respectfully requests reconsideration of the Application in light of the remarks set forth below.

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REMARKS

In the prosecution of the present Application, the Examiner's rejections and assertions contain clear errors of law, including a failure to establish *prima facie* rejections in a Final Office Action. To assist the Panel in the review of this Request, Applicant submits the following brief summary of selected portions of the prosecution history of the Application.

I. Brief Summary of Selected Portions of Prosecution History

a. Final Office Action

In a Final Office Action mailed October 3, 2005 (the Final Office Action), all claims were rejected under 35 U.S.C. § 102 or § 103, but as described in further details below, the Final Office Action failed to set forth a *prima facie* rejection of several of the claims.

II. Errors of Record

a. Failure to Establish a Prima Facie Rejection

Applicant maintains that the Final Office Action does not establish a *prima facie* rejection of all the claims in the application.

First, as Applicant showed in the Response to the Non-Final Office Action mailed January 5, 2005 (the Non-Final Office Action), U.S. Patent Application Publication No. 2002/0116386 A1 to Fabri, *et al.* does not disclose each element of the independent claims 1, 51, and 52. *See* Response to Non-Final Office Action, pages 13-14.

The Final Office Action states:

4. In reference to claims 1, 51 and 52, Fabri teaches a personal base process on a computer system, on a computer network, and on a portable computer system respectively, where said computer system, computer network and portable computer system have multiple nodes that are interconnected to facilitate communication between said nodes, said personal base process comprising:

a personal base instance on at least one of said nodes on said computer system, said personal base instance being constructed and arranged to communicate with a user and one or more other users (page 1 paragraphs [0014] - [0016], Fabri discloses a

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personal preference profile on a node which a user can connect to. In paragraph [0015], Fabri inherently refers to more than one user accessing the portal); and

a personal base server on at least one of said nodes on said computer system, said personal base server being constructed and arranged to communicate with said personal base instance and at least one of said nodes of said computer system other than said user (page 1 paragraphs [0014] - [0016], Fabri discloses a portal server containing a personal preference profile which multiple users can connect to).

Final Office Action, pages 3-4.

Applicant respectfully submits that the Office Action does not show “a personal base instance” and “a personal base server . . . constructed and arranged to communicate with said personal base instance,” as required by the independent claims. The cited portion of Fabri discusses a “personalized portal.” Fabri, ¶ 14. The cited portion also discusses a network that “comprises at least one computer-based portal server 1, a computer-based storage device 2 and a user computer device 3 including a monitor for displaying information.” Fabri, ¶ 14.

To the extent that the Office Action contends that Fabri’s portal meets both the “**personal base instance**” and “**personal base server**,” then Applicant disagrees. The independent claims require that the “personal base server” must be “**constructed and arranged to communicate with said personal base instance**.” The cited portion of Fabri, however, does not include any discussion of Fabri’s portal communicating with itself. Therefore, Fabri does not disclose a “personal base instance” and a “personal base server . . . constructed and arranged to communicate with said personal base instance,” as required by the independent claims.

To show the claim element of “a personal base instance,” the Office Action states that “Fabri discloses a personal preference profile on a node which a user can connect to.” Final Office Action, page 3. Applicant disagrees that Fabri’s personal preference profile is a “personal base instance,” as required by the claim. Fabri’s personal preference profile is described as “[a] user preference list [that] contains information that is kept as general as possible but still fits the user needs.” Fabri, ¶ 16. There is no discussion in the cited portion of Fabri that the personal preference profile is “constructed and arranged to communicate with a user and one or more users,” as required by the claims. Fabri’s personal preference profile does not have any ability to “communicate.” Rather, it must be retrieved by Fabri’s portal server. Fabri, ¶ 33. By contrast, Applicant’s personal base is an instance, not just a “preference list” like Fabri’s personal

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preference profile. Therefore, to the extent that the Office Action claims that Fabri's personal preference profile meets the "personal base instance" claim limitation, Applicant disagrees.

For at least these reasons, Applicant maintains that Fabri does not disclose each element of claims 1, 51, and 52. Claims 2-37 depend from claim 1, which Applicant has shown to be patentable above.

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II. Request for Relief from Errors

As a *prima facie* rejection has not been established against claims 1-37, 51, and 52,
Applicant respectfully requests allowance of Claims 1-37, 51, and 52.

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CONCLUSION


For the reasons presented above, Applicant respectfully requests relief from the Errors of Record. If the PTO deems that an interview is appropriate, Applicant would appreciate the opportunity for such an interview.

To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

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February 3, 2006

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